IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 18865 of 2007(U)

PETITIONERS:
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1. P.T.ITTIERA, AGED 64, S/O.THOMAS,
PAYAPPILLY HOUSE, CHALAKUDY DESOM, CHALAKUDY.

2. BALAN, AGED 39, S/O.O.V.KARAPPAN,
OMANGALATHU HOUSE, V.R.PURAM, CHALAKUDY.

3. MURALI, S/O.SANKUNNY, KARUMAN HOUSE,
NADATHARA VILLAGE DESOM, THRISSUR.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:
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1. THE CHALAKUDY MUNICIPALITY,
REP.BY ITS SECRETARY, CHALAKUDY P.O.,
THRISSUR DISTRICT.

2. THE SECRETARY, CHALAKUDY MUNICIPALITY,
CHALAKUDY P.O., THRISSUR DISTRICT.

3. THE MOTOR THOZHILALI UNION,
CHALAKUDY, REP.BY ITS SECRETARY, CHALAKUDY P.O.,
THRISSUR DISTRICT.

4. THE SECRETARY TO THE GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

R1 TO R3 BY ADV. SRI.P.SANTHALINGAM
R4 BY SR. GOVT. PLEADER SRI. K.J. MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.18865 of 2007

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Dated this the 21st day of June, 2007

JUDGMENT

Petitioners challenge Ext.P11. It is issued by the second respondent, who is the Secretary of the first respondent Municipality. It is dated 15.6.2007. By the same, it is found that the construction of the building in the possession of the petitioners constitute an absolute encroachment and the report is so filed. Three days time is given to demolish the same. There is no dispute that there is a right of appeal. In such circumstances, I am not inclined to consider the challenge to Ext.P11 under Article 226 of the Constitution, atleast at this stage.

2. I heard learned counsel for respondents 1 and 2 and learned Government Pleader also.

The writ petition is disposed of as follows:

Petitioners are permitted to file appeal against Ext.P11 within the period of limitation. Proceedings pursuant to Ext.P11 shall be kept in abeyance for a period of one month from today and thereafter it is for the petitioners to seek interim relief before the appropriate forum.

(K.M. JOSEPH, JUDGE)

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